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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter )  
DUKE POWER COMPANY, et al. )  
(Catawba Nuclear Station, )  
Units 1 and 2) )

Dockets Nos. 50-413  
50-414

April 23, 1984

PALMETTO ALLIANCE AND CAROLINA ENVIRONMENTAL STUDY GROUP  
RESPONSE TO APPLICANTS' MOTION FOR AUTHORIZATION TO ISSUE A LICENSE  
TO LOAD FUEL AND CONDUCT CERTAIN PRECRITICAL TESTING

Pursuant to 10 CFR 50.57 (c) Intervenor Palmetto Alliance and Carolina Environmental Study Group hereby respond in opposition to Applicants' Motion for Authorization to Issue a License to Load Fuel and Conduct Certain Precritical Testing dated April 11, 1984, on the grounds that Applicants have failed to demonstrate the required basis for the issuance of an operating license as provided for in 10 CFR 50.57 (a).

Palmetto and CESC rely upon and know of no basis for disputing the Applicants' representations made in their April 11, 1984, Motion that:

1. the authority sought is for pre-criticality testing only;
2. consequently no fission products inventory nor decay heat production will result or is authorized in conjunction with fuel loading and precritical testing;
3. criticality will be prevented by maintenance of boron concentration at required levels such that criticality cannot be achieved even with all control rods fully withdrawn;
4. under such conditions there is no possibility of a radiological release to the public or other threat to the public health and safety as a consequence of the authority sought.

On the basis of the above representations Palmetto and CESC are informed and believe that the fuel loading and precritical testing authority

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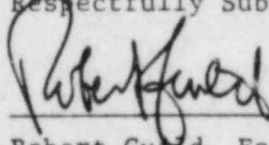
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sought by Applicants will pose no technical threat to the public health and safety. We do not oppose the conduct of such activities. However, Palmetto and CESC reserve their right to be heard fully in opposition to every future request for authority to conduct activities at the Catawba Nuclear Station; particularly any activities where fission product and decay heat generation are involved and the public health and safety may be affected.

We ask the Board to condition any approval for fuel loading and precritical testing upon a requirement that Applicants report fully on any nonconformances or deviations occurring in such activities to the Board and parties, and that Palmetto and CESC be assured of a full opportunity to be heard with respect to any further authority sought.

WHEREFORE; Palmetto Alliance and Carolina Environmental Study Group respectfully urge that the Licensing Board 1) refrain from making findings under provisions of 10 CFR 50.57 (a) with regard to the contentions in controversy as unnecessary with respect to the authority presently sought by Applicants; or in the alternative, make such findings as have been proposed by Intervenor and deny the authority sought by Applicants; 2) If such fuel loading and precritical testing is to be authorized condition such authority as herein requested.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Robert Guild", is written over a horizontal line.

Robert Guild, Esq.  
Attorney for Palmetto Alliance

Mr. Jesse L. Riley  
Carolina Environmental Study Group

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NUCLEAR REGULATORY COMMISSION

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(Catawba Nuclear Station	)	
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Palmetto Alliance and CESG Response to Motion For Authorization To Issue A License To Load Fuel and Conduct Certain Precritical Testing" in the above captioned matter have been served upon the following by deposit in the United States mail this 23rd day of April, 1984.

James L. Kelley, Chairman  
Atomic Safety and Licensing Board  
Panel  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Richard P. Wilson, Esq.  
Assistant Attorney General  
State of South Carolina  
P. O. Box 11549  
Columbia, South Carolina 29211

Dr. Paul W. Purdom  
235 Columbia Drive  
Decatur, Georgia 30030

Dr. Richard F. Foster  
P. O. Box 4263  
Sunriver, Oregon 97702

Chairman  
Atomic Safety and Licensing  
Board Panel  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Chairman  
Atomic Safety and Licensing  
Appeal Board  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Albert V. Carr Jr.  
DUKE POWER COMPANY  
PO Box 33189  
Charlotte, NC 28242

George E. Johnson, Esq.  
Office of the Executive Legal  
Director  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

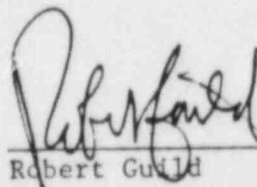
Karen E. Long  
Assistant Attorney General  
N. C. Department of Justice  
P. O. Box 629  
Raleigh, North Carolina 27602

J. Michael McGarry, III, Esq.  
Anne W. Cottingham, Esq.  
Bishop, Liberman, Cook, Purcell & Reynolds  
1200 Seventeenth Street, N.W.  
Washington, D.C. 20036

William L. Clements  
Docketing and Service Section  
U. S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Don R. Willard  
Mecklenburg County  
Department of Environmental  
Health  
1200 Blythe Boulevard  
Charlotte, North Carolina 28203

Spence Perry, Esq.  
Associate General Counsel  
Federal Emergency Management  
Agency  
Room 840  
500 C Street, S.W.  
Washington, D.C. 20472

  
Robert Guild